

Naples City Council

March 26, 2015

Minutes

The regularly scheduled meeting of the Naples City Council was held March 26, 2015, 7:30 p.m., at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

DATE, TIME & PLACE OF MEETING

Council members attending were Dean Baker, Gordon Kitchen, Dennis Long, Dan Olsen and Kenneth Reynolds. Robert Hall was excused.

COUNCIL MEMBERS ATTENDING

Others attending were Sidney Birchell, Jeff McCarty, Ray Nash, Kyler Lance, Andrew Bentley, Cliff Grua, Eric Olsen, Hal Marshall, Kendon Jewkes, Macady Slaugh, Bryan McCurdy, Tanner McCurdy, Ethan Bain, Jeremy Buist, Michael Drechsel, Sam Willoughby, Joshua Willoughby, Stephanie Howard, Leah Howard, Shauntel Messer, Johntana Messer, Ken Merrell, Maria Guzman, Sara Gorostieta, Erick Priego, Edgar Burrola, Ryan Cook, Connie Patton, Joshua Bake, and Nikki Kay.

OTHERS ATTENDING

At 7:30 p.m. Mayor Dean Baker welcomed everyone and called the meeting to order. Mayor Baker opened the meeting with the pledge of allegiance. Councilman Kenneth Reynolds offered the invocation.

OPENING CEREMONY

Mayor Baker presented the agenda for approval and stated item eight should read "phase II amendment A and phase I amendment B." Mayor Baker also stated that item nine (final approvals for Pheasant Run) will be removed from the agenda. Dennis Long **moved** to approve the agenda with those changes. Dan Olsen **seconded** the motion. The motion passed with all in attendance voting aye.

AGENDA APPROVED

Mayor Baker presented the minutes of the March 12, 2015 regular City Council meeting for approval. Councilman Kitchen noted that on page four toward the end of the page where it states that Ms. Piling asked if she could make a comment regarding the Rely for Life, it should be inserted that Mayor Baker recognized her and allowed her to comment. Dennis Long **moved** to approve the minutes with that correction. Kenneth Reynolds **seconded** the motion. The motion passed with all in attendance voting aye.

MINUTES APPROVED

Mayor Baker asked if anyone had anything to follow up on from the previous meeting. Nothing was brought forward.

***FOLLOW UP ITEMS FROM
PREVIOUS MEETING***

Connie Patton presented the bills for payment approval. The amount presented to the Council was \$47,656.54. Dan Olsen **moved** to approve the bills as presented. Dennis Long **seconded** the motion. The motion passed with the following roll call vote:

APPROVAL OF THE BILLS

Robert Hall	Absent
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

A business license application was received from **Nichola Kay Photography** located at 889 E 2910 S. Joshua Bake reported that Dale Peterson reviewed the application and the owner signed the home occupation agreement and recommended Council approved the business license application. Mayor Baker asked about the sales tax and if anyone verified if the business is exempt. Gordon Kitchen **moved** to approve the license contingent upon what is learned about the sales tax number. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

***BUSINESS LICENSE
APPROVALS***

Representative Scott Chew had not arrived at this time. Dennis Long **moved** to table the matter and see if Representative Chew arrived. Dan Olsen **seconded** the motion. The motion passed.

LEGISLATIVE UPDATE

Dan Olsen **moved** to go into a public hearing for The Farm Subdivision to discuss amending the plats. Dennis Long **seconded** the motion. The motion passed with all voting in the affirmative.

***PUBLIC HEARING FOR
THE FARM SUBDIVISION
PETITIONS TO AMEND
PLATS***

Mayor Baker said he would like to allow about twenty minutes for the hearing and each person wishing to speak would be given one opportunity and they could take three to five minutes. Mayor Baker asked anyone wishing to speak to state their name. Joshua Bake displayed the plat maps on a projection screen for the public to refer to if needed. Joshua reported the Planning Commission reviewed this matter on March 17, 2015 and recommended it for approval. Jeremy Buist, lot fifteen of the Farm, stated he had a concern about

where it referred to the farm access and he just wanted to make sure there were no changes. He said when he was in the process of buying his house he was not told about the farm access between his property and lot sixteen. He said it's not a big deal but he just wanted to know if there was any change to that or if it even pertained to the access next to his house. Mayor Baker said there is an irrigation line that runs through there and it is an access to the farm owned by Cody Evans. Joshua Bake pointed out the access was listed on the previous plat and it didn't look like there was any change there. With no other comments from the public Kenneth Reynolds **moved** to go out of the public hearing. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

A petition to amend the plats of phase I and phase II of the Farm Subdivision were presented to the Council for approval. Mayor Baker asked Andrew Bentley, member of the Planning Commission, if the Planning Commission had any concerns about this. Mr. Bentley said his only concern was how the public felt about this and he felt the lack of response from the public was his answer. Gordon Kitchen had a question about the irrigation right-of-ways, he said in certain zones there are width requirements for those easements to allow anyone needing to make repairs to the lines enough room to carry out those repairs. Councilman Kitchen said the lines can't be impeded in any way. He wanted to make sure the property owners that would be impacted by this are aware of the issues and also wanted to know how those accesses are recorded. Eric Olsen, representing the Farm Subdivision, stated the homeowner that would be impacted by this is fully aware of the impact to his property. He said they met with the new owner of the property, Kyler Lance, and also with Cody Evans who is the person over the water. Mr. Olsen said they had a great meeting and determined the structure on the property is far enough away from the irrigation line. He also said Mr. Evans felt the twenty-foot easement would be plenty of room to get a backhoe in there if needed. Councilman Kitchen said the easements might not be fully addressed in the subdivision ordinance because this is all relatively new as they have run into situations where they have built things over the top of the irrigation lines. Mr. Olsen stated that Mr. Lance is aware of the line running on his property and knows that he can't build anything over the top of the line and that Mr. Evans has the right to come on his property to do any maintenance that might be necessary. Councilman Kitchen said they are moving in the

***PLANNING COMMISSION
RECOMMENDATION FOR
PETITION TO AMEND
PLATS OF THE FARM
SUBDIVISION***

direction of trying to record the underground irrigation lines. Councilman Kitchen said, in approving the amendments to these plats, they are taking out the green space which is a natural water way. Mr. Olsen said that is regulated by the Army Corp. of Engineers or the State of Utah. Councilman Kitchen said if they agree to the amendments they are allowing that to become developable property. Mr. Olsen said, regulated by the State of Utah. Councilman Kitchen said as the City releases the green space it is going to revert to the homeowners. Mr. Olsen reiterated that it is regulated by the State. Councilman Kitchen said that property owners don't always understand that. Bryan McCurdy, homeowner in the Farm Subdivision, said it was recorded in the covenants that nobody has any expectation of surface water rights back through there. Mayor Baker said if the City accepts these amendments there will be no green space and if anything happens with the water down through there it will be on the homeowners and not the City. Councilman Reynolds referred to the plat and the line at the bottom, he wanted to know if it shows that Cody Evans still owns it or is it cut off. Mr. Olsen said they might want to review the amendments. Mr. Olsen had the Council look at phase II. He said in reference to Councilman Reynolds question, the farm access was part of the greenspace ownership by the Nash Family LLC and with this amendment it is being pulled out and after approval it will automatically become part of Cody's parcel to the south. Mayor Baker said it can't be a stand-alone lot because of the footage and it would need to be connected to the larger parcel Mr. Evans owns.

Mr. Olsen said the homeowners voted to dissolve the HOA by 83% which complies with the 2/3 vote requirement. Mr. Olsen said the voter's agreed to do away with the green space and as part of that the lot lines have to be adjusted. He said the west line of lot 17 will be moved to the east line of 9a and lot 9a will be squared up to make it a more buildable lot. He also pointed out the easement on lot 17 to accommodate the pipe that discharges into the drainage and allows Mr. Evans access to it.

Mr. Olsen referred the Council to amendment B of phase I and said the only changes to this was to square up the north east corner of lot 9a. He also stated the existing French drain easement though the lot is being abandoned, and a new easement is being added to the northeast corner to accommodate the existing irrigation pipeline, and a new easement is being added on the south side, parallel and

north of the 10' public utility easement, to accommodate the reroute of the existing French drain. Mayor Baker asked about the round about in phase I. Mr. Olsen said he wasn't sure he would discuss that tonight but maybe through some internal discussions later on. Mayor Baker said if the Council approves the changes presented then the City would take ownership of the roundabout. Mr. Olsen said the ownership was accepted upon recording of the plat. Councilman Kitchen said conveyance of dedication doesn't necessarily mean taking ownership. Mr. Olsen said, in good faith, Mr. Nash stated if things could get moving on this he would go in there and get it cleaned up but Mr. Olsen said it's not part of this discussion. Mayor Baker said he would entertain a motion to accept amendment B of phase I and amendment A to phase II of the Farm Subdivision. Dan Olsen **moved** that the City approve amendment B of phase I and amendment A to phase II of the Farm Subdivision. Kenneth Reynolds **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Absent
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Dennis Long **moved** to go back to item six on the agenda, the update from Representative Scott Chew. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

***MOTION TO MOVE BACK
TO UPDATE FROM
REPRESENTATIVE SCOTT
CHEW***

Representative Scott Chew from District 55 came to update the Council on the latest Legislative hearings. Representative Chew said this was his first experience at being a representative during the legislative session. He said he has been out there a few times but this is the first time he has been on the inside. Representative Chew talked about the many issues dealing with anti-discrimination. Mr. Chew discussed the bills dealing with transportation, first time offenders in the criminal justice system, the affordable health care act, and the capital punishment law. Representative Chew also discussed the change in the seat belt law and said he had a problem with that just because he felt "big brother" was looking over our shoulder too much. Hal Marshall asked Mr. Chew why he thought the law passed. Representative Chew thought it was emotion driving the bill because of a serious wreck that killed of a couple of kids and that was

fresh on many of the minds of those that were pressing for the passage of the bill. Councilman Kitchen urged the students who were in attendance to get involved in their communities and government. He encouraged them to not just look at this as a school assignment but to take an interest in what is going on in the world and government. Mayor Baker and Council thanked Representative Chew for taking the time to come and share this update with them.

Dan Olsen **moved** to go back to item ten on the agenda. Dennis Long **seconded** the motion. The motion passed with all voting aye.

Ryan Cook updated the Council on the bore hole testing completed on 2500 South. Ryan stated the engineer company tested the soil down three feet and didn't find anything wrong with the soil. He said they came back with some ideas of what might be causing the problem. Ryan said he went and inspected the precast culverts and he feels there might be some installation problems. He said there is too much gap in the joints, he said some have two inch gaps. Ryan said he got in touch with Vance King and was told those were the allowances for those. Ryan feels the culvert is leaking and doesn't know why the water has chosen the path it has taken. Mayor Baker said he noticed another spot just off the edge of the road that looked like it might be swelling and he wondered if the problem was spreading. Ryan said that is one of the concerns, how are they going to fix the problem and keep it from spreading to other areas. Councilman Olsen wanted to know if the joints can be cemented. Ryan said they had a couple of companies come out and look at it. He said one of the companies was a company called Uritec that can drill a hole and put a rod down to inject a polymer type fill. He said they use it on dams and spillways. Ryan said the area doesn't have to be completely dry because the material displaces the moisture and fills in. Ryan said it is not going to be an easy or inexpensive fix. Mayor Baker wanted to know if they have measured to see if the road is still sinking. Ryan said Jim stated he went down with the GPS and shot a point but he has not communicated with him to see what his findings were.

***UPDATE ON ASPHALT
TESTING ON 2500 SOUTH***

Councilman Kitchen asked to be excused at this time.

Council members received a request from the road department to purchase parts for a tank sprayer. Ryan Cook

***REQUEST TO PURCHASE
FROM ROAD***

stated they have a 150-gallon tank and the parts they are requesting would give them another sprayer. Ryan said it would give them an extra tank to use for non selective spraying and they wouldn't have to go back and rinse the one tank when they want to switch between the two types of spraying. Dan Olsen **moved** to approve \$1,229.83 for the sprayer parts. Dennis Long **seconded** the motion. The motion passed with the following vote:

Robert Hall	Absent
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Absent

Ryan Cook also presented a request to purchase herbicide for the weed spraying. Dennis Long **moved** to approve the purchase in the amount of \$1,497. Dan Olsen **seconded** the motion. The motion passed as follows:

Robert Hall	Absent
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Absent

A request to purchase a light bar for one of the trucks was presented. Kenneth Reynolds **moved** to approve the \$1,466.35 for the purchase. Dennis Long **seconded** the motion. The motion passed with a roll call vote as follows:

Robert Hall	Absent
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Absent

Ryan Cook reported on a repair they recently completed on the bobcat chipper. He said when they hooked it up it wasn't working so they had a technician come out and hook it up to the computer. It was determined the controller was bad, they replaced it and it is working fine. Ryan said they try and schedule the technicians to come when they are coming for another job to reduce the cost as much as possible. The total for the parts and labor was \$657.40. Dan Olsen **moved** to approve the expenditure. Kenneth Reynolds **seconded** the motion. The motion passed with the following vote:

DEPARTMENT

Robert Hall	Absent
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Absent

Joshua Bake submitted three travel requests. The first was \$60 for the trip he and the Mayor took to Salt Lake to meet with people at the Governor's office. Josh stated it was a good day and they made a lot of good contacts and gained some helpful information. Kenneth Reynolds **moved** to approve the \$60 for travel. Dennis Long **seconded** the motion. The motion passed with the following vote:

***TRAVEL REQUEST FOR
CITY MANAGER***

Gordon Kitchen	Absent
Kenneth Reynolds	Aye
Dennis Long	Aye
Dan Olsen	Aye
Robert Hall	Absent

Joshua also presented a request to attend the APA conference and the City Manager's conference in St. George. Joshua said the conferences would be back to back and he was requesting approval to stay in St. George over the weekend so he didn't have to travel back between the two. The requested amount for the APA conference was \$975 and \$720 for the Manager's conference. Dan Olsen **moved** to approve the amounts presented. Dennis Long **seconded** the motion. The motion passed as follows:

Robert Hall	Absent
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Absent

Joshua Bake told the Council that Chief Watkins was out of town and he reported on the recent interviews that were conducted for a new police officer. He said they looked for the most qualified and best fit for our community. Joshua said Chief Watkins would like to recommend hiring Ryan Cannon. He stated that Officer Cannon has been employed with Uintah County jail and feels he will be a great fit for the department. It was recommended to hire Officer Cannon at \$18.48 an hour for the first six months with a 5% increase after that. Joshua reported that his start date will be April 6,

***NEW HIRE IN POLICE
DEPARTMENT***

2015. Dennis Long **moved** to approve the recommendation for this hire. Kenneth Reynolds **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Absent
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Absent

Nikki Kay stated she received a request from the radio station to help with the Easter egg hunt again this year. The radio station requested help with the set up and also a donation for the purchase of candy. Dennis Long **moved** to approve the same donation as last year. Kenneth Reynolds **seconded** the motion. The motion passed as follows:

Robert Hall	Absent
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Absent

Council members received a copy of Resolution 15-272 to establish a local building authority. The recent loan received from the CIB for the new fire station prompted the need to establish the building authority. Dan Olsen **moved** to adopt Resolution 15-272. Dennis Long **seconded** the motion. The motion passed with a roll call vote as follows:

Robert Hall	Absent
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Absent

Nothing was brought forward for other matters or future council matters.

Dennis Long **moved** to adjourn the meeting at 8:50 p.m. Dan Olsen **seconded** the motion. The meeting was adjourned by all voting in favor of the motion.

APPROVED BY COUNCIL ON THE 9th DAY OF APRIL 2015

BY: _____

***REQUEST FOR DONATION
FOR EASTER EGG HUNT***

***RESOLUTION TO
ESTABLISH LOCAL
BUILDING AUTHORITY
15-272***

***O T H E R
MATTERS/FUTURE
COUNCIL MATTERS***

MOTION TO ADJOURN

ATTEST: _____